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When Recorded Mail to:

City of Milpitas  
455 East Calaveras Boulevard  
Milpitas, CA 95035  
Attention: Office of the City Clerk

Record without fee under  
Section 6103 - Government Code  
State of California

RESOLUTION NO. \_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF MILPITAS RELEASING SINCLAIR HORIZONS  
TRACT NO. 9018 (PROJECT NO. 3033) IMPROVEMENT BOND

WHEREAS, certain improvements were installed in Sinclair Horizons Development under and pursuant to the provisions of an improvement contract between the City of Milpitas, a municipal corporation of the State of California, and Mission Peak Company, subdivider; and

WHEREAS, said subdivider, as principal, and the Insurance Company of the West, bond 1502671 as surety, executed a certain faithful performance bond conditioned upon the faithful performance of the provisions of said improvement contract and upon the faithful performance of all improvement work required thereunder; and

WHEREAS, said improvements were completed, finally inspected by the City Engineer of the City of Milpitas, and accepted; and

WHEREAS, a period of one year or more has expired after the date of said acceptance of said improvements; and

WHEREAS, the City Engineer has advised said City Council that said subdivider has remedied, restored, repaired, or replaced at his sole expense and to the satisfaction of said City Engineer all defects, damages, or imperfections, if any there were, due to or arising from faulty materials or workmanship and appearing within said period of one year from the date of acceptance; and

WHEREAS, said City Engineer recommends to the City Council of said City, that said faithful performance bond be released.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Milpitas as follows:

That the certain performance bond furnished by the above named subdivider, as principal, and the above named surety in connection with those certain improvements for the above designated project, is hereby released and discharged; provided, however, that nothing herein contained shall in any way be deemed to be a waiver, release or relinquishment by City of any obligations imposed upon the contractor or his surety, or sureties, by law or by the above referred to improvement contract, save and except those obligations specifically mentioned herein.

PASSED AND ADOPTED this 18th day of February, 2003, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

\_\_\_\_\_  
Gail Blalock, City Clerk

APPROVED:

\_\_\_\_\_  
Jose S. Esteves, Mayor

APPROVED AS TO FORM:

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Steven T. Mattas, City Attorney